

### REMARKS

Claims 9, 12, 14, 15 and 17 are presented for consideration, with Claim 9 being independent.

Independent Claim 9 has been amended to further distinguish Applicants' invention from the cited art.

Claims 9-17 stand rejected under 35 U.S.C. §103 as allegedly being obvious over Spindt '117 in view of Cathey '226. This rejection is respectfully traversed.

Applicants' invention as set forth in Claim 9 relates to an image forming apparatus comprising a first plate including electron-emitting devices, with the electron-emitting devices being formed in an approximate rectangular region, a second plate disposed to face the first plate, and a plurality of spacers disposed between the first and second plates. Each of the spacers have a longitudinal axis extending from one side of the rectangular region to an opposite side of the rectangular region, with the spacers being disposed so that the longitudinal axes are substantially in parallel with each other. An outer frame hermitically surrounds a space between the first and second plates. As claimed, ends of each spacer in a longitudinal direction are positioned within an area between the rectangle region and the outer frame. In addition, at least one getter is disposed between the first and second plates, with the getter being located in a region interposed between a frame side of the outer frame that is positioned across imaginary extensions of the longitudinal axes of the spacers and the ends facing the frame side of the spacers and being interposed between imaginary extensions of the longitudinal axes of the two outermost spacers.

Support for the amendments to Claim 9 can be found, for example, in Figure 7 and the accompanying specification on page 52, line 1, et seq. In accordance with Applicants'

claimed invention, superior evacuation and sealing of the image forming apparatus can be achieved.

As discussed in the previous Amendment of May 9, 2003, the primary citation to Spindt relates to an image forming apparatus that includes first and second plates and spacers 20 disposed between the first and second plates. As acknowledged in the Office Action, Spindt does not disclose a getter.

The secondary citation to Cathey relates to an image forming apparatus that includes a getter, i.e., conductive metal wire 21, disposed between first and second plates and proximate to a side of an outer frame. As shown in Figure 1, the getter is disposed proximate to a side of the outer frame which is positioned parallel to a protective shield 28. Cathey discloses the use of spacers as support structures but does not depict any such structures. It is respectfully submitted, therefore, that Cathey cannot be relied upon to position the getter with respect to the spacers in the manner set forth in Applicants' claimed invention.

In support of the rejection, the Office Action relies on the disclosure in Cathey that the getter can be disposed anywhere in the vacuum chamber as long as it does not interfere with the operation of the emitter tips 13 (see column 3, lines 36-38). It is respectfully submitted, however, that a fair reading of this disclosure and a review of Figure 1 in Cathey would not have enabled one skilled in the art, without hindsight, to position the getter in the manner set forth in Claim 9. As discussed above, Claim 9 has been amended to recite that the getter is disposed between the frame side of the outer frame that is positioned across imaginary extensions of the longitudinal axis of the spacers and the ends facing the frame side of the spacers and interposed between two imaginary extensions of the longitudinal axes of the two outermost spacers.

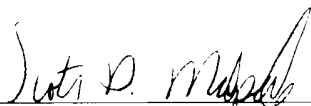
Accordingly, it is respectfully submitted that the proposed combination of Spindt and Cathey cannot be used to render obvious Applicants' claimed invention, and thus reconsideration and withdrawal of the rejection of the claims under 35 U.S.C. §103 is respectfully requested.

Accordingly, it is submitted that Applicants' invention as set forth in independent Claim 9 is patentable over the cited art. In addition, dependent Claims 12, 14, 15 and 17 set forth additional features of Applicants' invention. Independent consideration of the dependent claims is respectfully requested.

In view of the foregoing, reconsideration and allowance of this application is deemed to be in order and such action is respectfully requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

  
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